

### REMARKS

Claims 1-29 are pending in the case.

It is the belief of the Applicants that the claims of the present invention are directed to a common subject matter and the search and examination of the entire application can be made by the Examiner without serious burden.

Claims 1-19 (Group I) and claims 20-29 (Group II) relate to a nanoprobe device and a method for making the same. The method for making the nanoprobe includes the method steps for forming the respective elements set forth in the apparatus claims. It is respectfully submitted that serious burden would not be placed on the Examiner to search the common subject matter and examine both Group I and Group II claims together, obviating the need for restriction.

It is recognized that in order for this paper to be responsive to the Office Action, an election must be made. In the Office Action of February 7, 2005, restriction has been required to one of the following two groups of claims:

(I) Claims 1-19; and

(II) Claims 20-29.

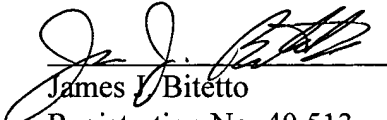
Accordingly, claims of Group (I) are elected for examination at this time with traverse. Applicant reserves the right to pursue Group (II) claims (20-29) by way of a separate divisional application.

In view of the foregoing remarks, Applicants respectfully request reconsideration of the restriction requirement. Early and favorable action of the case is respectfully requested.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's IBM Deposit Account No. 50-0510.

Respectfully submitted,

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